

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: DECEMBER 16, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-36618 – EXTENSION OF TIME – SPECIAL USE PERMIT -**

**APPLICANT/OWNER: CM SAGEBRUSH 1-3082 LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. This Special Use Permit (SUP-9665) shall expire on November 7, 2011 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval of the Special Use Permit (SUP-9665) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site is undeveloped land with a previously approved Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern). The property is dirt with wild plants, but not unsightly nor covered with trash/debris. The applicant has not made any progress on the proposed project as no plans have been submitted for plan check nor have any building permits been issued. The area surrounding the subject site is undeveloped land without approved entitlements. The applicant is requesting an Extension of Time to secure funding for the project. Staff recommends approval.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/01/05	The City Council approved a request to Petition to Annex (ANX-5528) approximately 529 acres of property generally located north of Iron Mountain Road and west of Hualapai Way with an effective date of 06/10/05. The Planning Commission recommended approval on 12/16/04.
11/07/07	The City Council approved a request for a Rezoning (ZON-9662) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. The Planning Commission recommended approval on 11/17/05.
	The City Council approved a related request for a Special Use Permit (SUP-9664) for a proposed Service Station.
	The City Council approved a related Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern).
	The City Council approved a related request for a Site Development Plan Review (SDR-9666) for a 3,710 square-foot Service Station without incidental Auto Repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, a 3,600 square-foot Retail Element; and waivers of building placement and foundation landscaping requirements.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no business licenses or building permits issued for the proposed uses.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required for this type of application, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this type of application, nor was one held.	
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	

Gross Acres	2.48
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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped Land- Proposed Service Station with Car Wash, Tavern, and Retail Element	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped Land	SC (Service Commercial)	U(Undeveloped)[SC (Service Commercial) General Plan Designation]
South	Undeveloped Land	SC (Service Commercial)	U(Undeveloped)[SC (Service Commercial) General Plan Designation]
East	Undeveloped Land	SC (Service Commercial)	U(Undeveloped)[SC (Service Commercial) General Plan Designation]
West	Undeveloped Land	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This is the first request for an Extension of Time for a previously approved Special Use Permit (SUP-9665) for proposed Liquor Establishment (Tavern) at the southwest corner of Oso Blanca Road and Kyle Canyon Road. No building permits have been issued for the proposed project. The land surrounding the subject site is undeveloped with no approved entitlements.

Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

## **FINDINGS**

The Special Use Permit (SUP-9665) has not met the requirements outlined in Title 19.18.060 to exercise the entitlement. The applicant is requesting an Extension of Time to secure funding for the project. Staff is recommending approval with a two-year time limit. Conformance to the conditions of approval of the Special Use Permit (SUP-9665) shall be required.

<b><u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u></b>	N/A
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<b><u>ASSEMBLY DISTRICT</u></b>	N/A
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<b><u>SENATE DISTRICT</u></b>	N/A
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<b><u>NOTICES MAILED</u></b>	N/A
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<b><u>APPROVALS</u></b>	0
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<b><u>PROTESTS</u></b>	0
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